

Minutes
State Board of Education
Monday, June 12, 2006

The State Board of Education met on Monday, June 12, 2006, in the auditorium of the State Education Building. Diane Tatum, Chairman, called the meeting to order at 9:00 a.m.

The following Board members were present: Diane Tatum, Chairman; Randy Lawson, Vice-Chairman; Sherry Burrow; Shelby Hillman; Dr. Calvin King; Dr. Tim Knight; Dr. Ben Mays; and Dr. Naccaman Williams.

The following Board member was absent: MaryJane Rebick.

Ms. Tatum introduced Dr. Tim Knight from Arkadelphia who was appointed by Governor Huckabee to fill the unexpired term of Dr. Jeanna Westmoreland. Dr. Knight is a professor at Ouachita Baptist University.

Dr. James reported that he and other Department staff members attended a conference where the topic was high school reform. He stated that it was encouraging to have national presenters highlight work in Arkansas especially noting graduation requirements that include four units of mathematics and other work being done to improve high schools in our state. He also noted that Julie Thompson, Department Communications Director, was in Washington this week presenting elements of the communications plan for high school reform.

Dr. James also noted that Board members were provided a copy of the newly-revised employee handbook updated and compiled by the Human Resources area.

Dr. James read a letter from Governor Huckabee acknowledging the service of Shelby Hillman to the State Board of Education for the past seven years. Additionally, Ms. Hillman was presented a Board resolution and a plaque recognizing her years of service to the Board and children of Arkansas.

Consent Agenda

The Minutes from the May 8, 2006, meeting were removed from consideration as part of the Consent Agenda in that Board members did not receive an advance copy.

Ms. Hillman moved approval of the Consent Agenda as amended. Dr. Williams seconded the motion. The motion was adopted unanimously.

- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Report of Waivers to School Districts for Teachers Teaching Out-of-Field for Longer than Thirty (30) Consecutive Days, Act 1623 of 2001

- Review of Loan and Bond Applications
- Approval of Organizations for Implementation of Act 648, Community Service Program

Action Agenda

Request from Strong-Huttig School District for Approval to Close an Isolated School: Huttig Junior High School

(The full text of the discussion pursuant to this item is contained in the report of the court reporter, which can be accessed from the State Board Office of the Department of Education.)

Mr. Lawson moved approval of the local board's recommendation subject to any conditions that may be forthcoming from Federal Court findings. Ms. Burrow seconded the motion. The motion was adopted unanimously on a roll call vote.

Arkansas Better Chance for School Success Program Renewal Grants 2006-2007

Mr. Paul Lazenby was recognized to present this item. Mr. Lazenby reported that the recommendations are based on applications received as a result of a request for proposals as approved by the Board in April. He noted that this was the first phase of proposals that met all guidelines and monitoring compliance standards. He stated that additional proposals would be forthcoming as questions or compliance items are resolved.

Dr. Williams asked about entities previously having grants that failed to apply this year. Mr. Lazenby responded that during the monitoring process some sites did not meet the quality standards required for continued funding and thus did not reapply. He stated that the agency does not have in writing any specific reason, but compliance with quality standards is the major issue. Dr. Williams asked about services to children in those areas of the state that may not be funded. Mr. Lazenby suggested that once the funding cycle and proposal review is complete, the agency will identify areas of the state that are not serviced and try to solicit a proposal from an eligible entity in that region.

Ms. Hillman asked if the program were fully funded. Mr. Lazenby stated that sufficient funds are available to fund all proposals that have been submitted to date.

Dr. King inquired about fund balances that may be in the agency given the entities opting not to reapply. Mr. Lazenby responded that the agency will seek additional proposals in high needs areas for which there are no funded programs. He also stated that there are some proposals under review and consideration that need clarification or are working on compliance issues. He anticipates additional funding before fall when new awards would start.

Ms. Burrow moved approval of the funding requests as presented. Dr. Williams seconded the motion. The motion was adopted unanimously.

Approval of English Language Proficiency Framework Document for the Grades K – 12

Dr. Gayle Potter was recognized to present this item. Dr. Potter stated that these frameworks are required as part of the implementation of Title III of the Federal *No Child Left Behind* Act and were developed in keeping with standards and procedures used for development of other content frameworks by local teachers, administrators and teacher educators.

Ms. Hillman moved approval of the framework as presented. Dr. King seconded the motion. The Motion was adopted unanimously.

Declaration of Critical Academic Shortage Areas as Required by ACT 1146 of 2001, Section 2(3)(A)

Beverly Williams was recognized to present this item. Ms. Williams reported that the shortage areas were determined by examining areas for which local schools will receive a teacher licensure violation, waivers for teaching out of field, a review of new graduates entering the teaching field and other data.

Dr. Williams asked if teachers hired under such conditions would be expected to work for a contract year. Ms. Williams responded yes. She also noted that teachers hired under such conditions may only work under this Act for a total of three (3) academic years.

Dr. Williams moved approval of the shortage areas as presented. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Consideration of Technical Amendments to Arkansas Department of Education Rule Governing the Non-Traditional Licensure Program

Beverly Williams was recognized to present this issue. Ms. Williams stated that this Rule was given final approval by the Board at the April 10, 2006 meeting. Subsequent, requests were received to clarify the length of teaching during a school day (hours vs. periods) and to clarify the options afforded private schools for Non-Traditional Licensure Preparation. Ms. Williams reported that these items were supported by the licensure advisory committee and could be included without further consideration under the Administrative Procedures Act.

Debbie Faubus-Kindrick was recognized to speak to the issue. Ms. Faubus-Kindrick stated that she is the administrator of the ALE program at Van Buren School District and was requesting reconsideration of the test that some non-traditional applicants would take to acquire provisional licensure status. She requested that consideration be given for some applicants to take the middle school praxis exam as opposed to a full secondary content exam. Ms. Williams responded that option was not possible because one of the requirements of federal legislation is that each teacher candidate must demonstrate evidence that they are highly qualified in the content and the only approved content exam was the Praxis II content exam for secondary subject areas. She also noted that all persons seeking licensure must meet the same standards as if they were graduating from

a teacher education program from a university or were seeking licensure under the non-traditional path.

Ms. Burrow asked when a non-traditional teacher candidate would be expected to take the content exam. Ms. Williams responded that they must demonstrate content competence before being accepted into the program. She noted that the non-traditional licensure program assumes content competence and is designed to teach pedagogy and classroom management, not content.

Ms. Hillman moved approval of the proposed revisions to the Non-Traditional Licensure Rule. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Report of the Status of School Districts in Fiscal Distress

Dr. Bobbie Davis was recognized to present this report. Dr. Davis stated that for the 2005-2006 school year 11 school districts were classified in fiscal distress and this report is a summary of the status of those districts and a progress report on work underway (or completed) by the Department with those districts.

- **Altheimer:** The district continues to lose enrollment, thus losing revenue. The district submitted a revised fiscal improvement program and subsequent revision all of which has not been accepted by the Department. One primary reason for non-compliance with the plan is that for two years the district has failed to present a positive cash flow. This district has submitted a petition (which will be considered at the July 2006 meeting of the Board) for voluntary annexation with the Dollarway School District.
- **Dierks:** The district has employed a new superintendent. The community approved an additional 7-mill tax and has submitted fiscal improvement plans that have been approved by the Department.
- **Dollarway:** This district has submitted a plan that includes major cost saving measures including staff cuts and reduction of overtime by some hourly workers.
- **Eudora:** This district was consolidated with the Lakeside (Chicot County) School District in February of this year.
- **Flippin:** This district employed a new superintendent who coordinated a fiscal improvement plan that included a 4.8 mill increase that generated additional revenue for the district, increased class size and revised the salary schedule, which has been adopted by the Department.
- **Helena/West Helena:** The Department assumed management of this district last September. Since that time, the superintendent hired by the Department has managed the district and has agreed to remain with the district through the 2006-2007 school year.

- Lead Hill: This district hired a new superintendent who developed and implemented cost saving measures such as replacing an old bus fleet with new equipment, reduced staff, eliminated extended year contracts and discontinued some programs that were not required for accreditation.
- Midland: The Department assumed management of this district in January 2006 and employed an interim superintendent. The community donated approximately \$400,000 to reduce short-term debt. A new superintendent will be employed for the 2006-2007 school year.
- Pulaski County: This district continues to lose students thus lose revenue. To compensate, the district has reduced the number of contract days, discontinued block scheduling in all high schools and junior high schools except Mills Academy High School, and decreased transportation costs. A new superintendent continues to work on improving the fiscal improvement plan.
- Waldo: This district was consolidated with Magnolia beginning on July 1, 2006.
- Western Yell: This district employed a new superintendent who developed a fiscal improvement plan that included elimination of many positions, reorganization of grades to improve efficiency, shared services of vocational programs with areas schools and reducing employee benefits beyond those required in law.

Ms. Hillman asked about Pulaski County's decision to retain the block schedule at Mills High School. Dr. Davis responded that many of the faculty felt very committed to that organization and the school committed to find other cost saving to replace the amount that would be realized by eliminating the block schedule.

Dr. Mays asked if there were any representatives from any of the schools reviewed present. None were present. Dr. Mays asked, "If the Pulaski County Special School District only spends \$887,000 on its athletics programs (as reported in the 04-05 Athletics Expenditures Report), then how can the district save \$829,000 simply by moving practice time to after school? \$829,000 represents a 93% savings out of the \$887,000 reported for athletics expenditures. That would mean that next year the district would only be spending \$58,000 for its total athletics program."¹ Dr. Davis responded that there are a number of factors involved in funding athletics and that not all athletics funds are from state dollars, which are all that is required to be reported at this time. Dr. James also noted that new revenue from the special session and other cost savings reported caused the Department to give tentative approval to the Pulaski County Special School District's fiscal improvement plan. As a result, the Department will continue monthly tracking of expenses for the Pulaski County District.

A question was asked about closing the home economics program at Lead Hill. Dr. Davis responded that high schools are only required to provide three programs and that school had more. That program had the least enrollment of the vocational programs and it was eliminated as a cost saving matter.

¹ As amended by Dr. Mays July 10, 2006.

Dr. Williams asked if there were concerns about two schools classified in fiscal distress were proposing to merge. Dr. James noted that item will be considered on a later agenda.

Mr. Lawson moved approval of the report as presented. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Classification of Districts in Fiscal Distress

Dr. Bobbie Davis was recognized to present this item. Dr. Davis stated that at the May Board meeting, four school districts were advised of pending classification in fiscal distress. She reported that each was informed of the pending classification and provided an opportunity to appeal by submitting additional information: no additional information was submitted. Dr. Davis did indicate that the Department is already working with some of these districts to develop the required fiscal improvement plan.

Dr. Mays asked about the issues related to audit exceptions at Cross County. Dr. Davis indicated that any criminal investigation would be up to the local prosecutor in that area of the state.

Dr. Williams moved to classify Cross County School District, Hughes School District, Omaha School District and Turrell School District in fiscal distress. Dr. Mays seconded the motion. The motion was adopted unanimously.

Request for Final Approval of the Arkansas Department of Education Rule Governing Assessment Scores for Students Attending the School for Mathematics and Science and Arts of the University of Arkansas

Dr. Charity Smith was recognized to present this item. Dr. Smith reported that this Rule was approved for public comment on April 10, 2006, and a public hearing was conducted with no attendees and no comments oral or written provided. She stated that the Rule is submitted for consideration unchanged.

Ms. Hillman moved final approval of the rule. Dr. Williams seconded the motion. The motion was adopted unanimously.

Surrender of Charter for West Woods Elementary Conversion Charter School, El Dorado Public Schools

Mary Ann Brown was recognized to present this item. Ms. Brown reported that the Department had received a letter from the El Dorado School District stating that the District does not intend to continue operating the school as a charter school and thus is not requesting renewal.

Ms. Burrow moved to accept the return of the Charter for West Woods Elementary Conversion Charter School in El Dorado. Dr. King seconded the motion. The motion was adopted unanimously.

Continued Consideration of Renewal of FOCUS Academy Open-Enrollment Charter School

(The full text of the discussion pursuant to this item is contained in the report of the court reporter, which can be accessed from the State Board Office of the Department of Education.)

Mary Ann Brown was recognized to present this item. Ms. Brown reviewed the issues and stated that additional fiscal information was received. Dr. Bobbie Davis was recognized to summarize the status of the fiscal condition of this Charter School.

Following the discussion, Mr. Lawson moved to renew the Charter for FOCUS Academy Open-Enrollment Charter School for five years with the requirement that the school provide a complete status report near the end of the first year of the new contract. Dr. King seconded the motion. Ms. Hillman inquired about probationary status. Mr. Lawson responded that his motion did not include probationary status but that the Board would have the option to revoke the Charter after the one year status report. The motion was adopted 6 yes, 1 no. (Dr. Mays voted no.)

(Time for the end of one year report was set for March 2007.)

Request for Approval of the Recommendation of Permanent Revocation of Teacher's License and Denial of Renewal of Teacher's Licensure: Wayne Ramsey

(The full text of the discussion pursuant to this item is contained in the report of the court reporter, which can be accessed from the State Board Office of the Department of Education.)

Tripp Walter was recognized to present this item. Mr. Walter summarized the conditions that resulted in the non-renewal consideration. Mr. Ramsey and his attorney were present.

Ms. Burrow moved to approve a two year probationary license with the provision that Mr. Ramsey submit to monthly drug testing at his own expense with the option for full licensure after that time if there is no breach of the probationary conditions. Dr. Mays seconded the motion. The motion was adopted unanimously.

Request Approval of the Recommendation of Permanent Revocation of Teacher's License: Terrance Spratt

Tripp Walter was recognized to present this item. Mr. Walter reported that counsel for Mr. Spratt has requested a continuation of this hearing until a later date so as to allow time for preparation.

Ms. Hillman moved to defer consideration of this item until a later date. Dr. Williams seconded the motion. The motion was adopted unanimously.

Ms. Hillman moved adjournment. Dr. Williams seconded the motion. The motion was adopted unanimously.

The meeting adjourned at 12:05 p.m.

The minutes were recorded and reported by Dr. Charles D. Watson.

Dr. T. Kenneth James, Commissioner

Diane Tatum, Chair